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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

**DEFENDANTS UBER TECHNOLOGIES,
INC., RASIER, LLC, RASIER-CA, LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PERSONAL
IDENTIFYING INFORMATION IN
EXHIBITS IN SUPPORT OF MOTION
FOR PARTIAL SUMMARY JUDGMENT**

Judge: Hon. Charles R. Breyer
Courtroom: Courtroom 6 – 17th Floor

DEFENDANTS' MOTION TO SEAL

Pursuant to Civil Local Rules 79-5(c)(1) and the Protective Order entered in this case dated December 28, 2023, ECF 176 (“Protective Order”), Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC (collectively “Defendants”), respectfully submit this Administrative Motion to File Under Seal Personal Identifying Information in Exhibits in Support of its contemporaneously-filed Motion for Partial Summary Judgment. This Court has previously found compelling reasons to seal personal-identifying information and should do so again here. *See, e.g.*, ECF 3616 (sealing “Personal identifying information, specifically the names, addresses, contact information, and financial information”).

I. BACKGROUND AND REQUESTED SEALING

This motion to seal concerns certain exhibits in support of Defendants Motion for Partial Summary Judgment containing personal identifying information:

Document	Description	Defendants' Request
Exhibit 22	Background check document produced by Defendants, Bates stamped beginning UBER-MDL3084-BW-00012056, designated as confidential, containing personal identifying information	Seal in part (redact PII, specifically date of birth, partial Social Security number, partial driver license number, email address, phone number)
Exhibit 23	Background check document produced by Defendants, Bates stamped beginning UBER-MDL3084-DFS00003621, designated as confidential, containing personal identifying information	Seal in part (redact PII, specifically date of birth, partial Social Security number, partial driver license number, email address, phone number)
Exhibit 24	Background check document produced by Defendants, Bates stamped beginning UBER-MDL3084-DFS00003619, designated as confidential, containing personal identifying information	Seal in part (redact PII, specifically month and date of date of birth, partial Social Security number, driver license number, email address, phone number)

Document	Description	Defendants' Request
Exhibit 25	Background check document produced by Defendants, Bates stamped beginning UBER-MDL3084-DFS00003615, designated as confidential, containing personal identifying information	Seal in part (redact PII, specifically month and date of date of birth, partial Social Security number, driver license number, email address, phone number)
Exhibit 26	Background check document produced by Defendants, Bates stamped beginning UBER-MDL3084-DFS00003647, designated as confidential, containing personal identifying information	Seal in part (redact PII, specifically month and date of date of birth, partial Social Security number, driver license number, email address, phone number)
Exhibit 27	Background check document produced by Defendants, Bates stamped beginning UBER-MDL3084-DFS00003643, designated as confidential, containing personal identifying information	Seal in part (redact PII, specifically month and date of date of birth, partial Social Security number, driver license number, email address, phone number)
Exhibit 28	Background check document produced by Defendants, Bates stamped beginning UBER-MDL3084-DFS00003639, designated as confidential, containing personal identifying information	Seal in part (redact PII, specifically month and date of date of birth, partial Social Security number, driver license number, email address, phone number)
Exhibit 29	Background check document produced by Defendants, Bates stamped beginning UBER-MDL3084-DFS00003633, designated as confidential, containing personal identifying information	Seal in part (redact PII, specifically month and date of date of birth, partial Social Security number, driver license number, email address, phone number)
Exhibit 30	Background check document produced by Defendants, Bates stamped beginning UBER-MDL3084-DFS00003635, designated as confidential, containing personal identifying information	Seal in part (redact PII, specifically month and date of date of birth, partial Social Security number, driver license number, email address, phone number)

Document	Description	Defendants' Request
Exhibit 31	Background check document produced by Defendants, Bates stamped beginning UBER-MDL3084-DFS00003631, designated as confidential, containing personal identifying information	Seal in part (redact PII, specifically month and date of date of birth, partial Social Security number, driver license number, email address, phone number)
Exhibit 32	Background check document produced by Defendants, Bates stamped beginning UBER-MDL3084-DFS00003627, designated as confidential, containing personal identifying information	Seal in part (redact PII, specifically month and date of date of birth, partial Social Security number, driver license number, email address, phone number)
Exhibit 33	Background check document produced by Defendants, Bates stamped beginning UBER-MDL3084-DFS00003625, designated as confidential, containing personal identifying information	Seal in part (redact PII, specifically month and date of date of birth, partial Social Security number, driver license number, email address, phone number)
Exhibit 34	Background check document produced by Defendants, Bates stamped beginning UBER-MDL3084-DFS00003611, designated as confidential, containing personal identifying information	Seal in part (redact PII, specifically month and date of date of birth, partial Social Security number, driver license number, email address, phone number)

The portions of the exhibits which Defendants seek to seal contain PII. *See* Cummings Decl.

¶¶ 2-6. Defendants therefore submit this request that the Court seal the exhibits under Local Rule 79-5(c)(1).

II. LEGAL STANDARD

Courts ruling on a request to seal information or documents must “conscientiously balance[] the competing interests of the public and the party who seeks to keep certain judicial records secret.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016). The presumption of public access is overcome where documents or information are the type “traditionally kept secret,” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Where the information

1 or document to be sealed relates to the merits of the case, courts apply the “compelling reasons”
 2 standard. *Ctr. for Auto Safety*, 809 F.3d at 1097- 99.

3 “Courts in this circuit routinely seal email addresses and other personal identifying information
 4 under the compelling reasons standard due to the potential privacy harm to the individual whose
 5 contact information may be exposed.” *Jones v. PGA Tour, Inc.*, 2023 WL 7434197, at *2 (N.D. Cal.
 6 Oct. 5, 2023). Types of PII routinely sealed under the compelling reasons standard includes: **dates of**
 7 **birth (DOB)** (e.g., *Cross v. Cent. Contra Costa Transit Auth.*, 2024 WL 3658045, at *1 (N.D. Cal.
 8 July 22, 2024) (sealing under compelling reasons standard “personal identifying information,
 9 specifically social security numbers, dates of birth, home addresses, and phone numbers”); *Prasad v.*
 10 *Simmons*, 2019 WL 294760, at *2 (N.D. Cal. Jan. 23, 2019) (“There are compelling reasons to seal
 11 Plaintiff’s date of birth.”); *Fed. Deposit Ins. Corp. v. Bayone Real Est. Inv. Corp.*, 2017 WL 1398311,
 12 at *2 (N.D. Cal. Apr. 19, 2017) (sealing under compelling reasons standard “[f]ederal taxpayer
 13 identification, social security number and date of birth”)); **Social Security Numbers (SSN), even**
 14 **partial SSNs** (e.g., *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1184 (9th Cir. 2006)
 15 (affirming redactions of “home address[es] and social security numbers” under compelling reasons
 16 standard); *Cross*, 2024 WL 3658045, at *1 (sealing under compelling reasons standard “social security
 17 numbers”); *Fed. Deposit Ins. Corp.*, 2017 WL 1398311, at *2 (sealing under compelling reasons
 18 standard “social security number”); *Lathrop v. Uber Techs., Inc.*, 2016 WL 9185001, at *3 (N.D. Cal.
 19 May 6, 2016) (sealing under compelling reasons standard “a portion of [a] social security number”));
 20 **driver’s license numbers** (e.g., *Cross*, 2024 WL 3658045, at *1 (N.D. Cal. July 22, 2024) (sealing
 21 driver’s license numbers under compelling reasons standard); *Doe v. Walmart Inc.*, 2019 WL 636362,
 22 at *2 (N.D. Cal. Feb. 11, 2019) (sealing under compelling reasons standard “personal information such
 23 as driver’s license numbers, social security numbers”); *Lathrop*, 2016 WL 9185001, at *3 (sealing
 24 driver’s license numbers under compelling reasons standard); *Gonzales v. City of San Jose*, 2015 WL
 25 1137554, at *1 (N.D. Cal. Mar. 12, 2015) (sealing under compelling reasons standard “driver’s license
 26 number, address, date of birth”); **non-public email addresses** (e.g., *Rumble, Inc. v. Google LLC*, 2025
 27 WL 1455820, at *11 (N.D. Cal. May 21, 2025) (sealing under compelling reasons standard “personally

1 identifiable information ('PII'), including email addresses and phone numbers, of Defendant's
 2 employees and third parties"); *Rodriguez v. Google LLC*, 772 F. Supp. 3d 1093, 1111 (N.D. Cal. 2025)
 3 (sealing under compelling reasons standard "non-public email addresses"); *In re Pac. Fertility Ctr.*
 4 *Litig.*, 2021 WL 1082843, at *2 (N.D. Cal. Mar. 12, 2021) (noting that "there are compelling reasons
 5 to seal customer ... email addresses ... as well as employee email addresses"); **and non-public phone**
 6 **numbers** (e.g., *Snapkeys, Ltd. v. Google LLC*, 2021 WL 1951250, at *3 (N.D. Cal. May 14, 2021)
 7 (sealing under compelling reasons standard "email addresses and telephone numbers" of "current and
 8 former employees"); *Am. Auto. Ass'n of N. California, Nevada & Utah v. Gen. Motors LLC*, 2019 WL
 9 1206748, at *2 (N.D. Cal. Mar. 14, 2019) (sealing under compelling reasons standard "personally
 10 identifiable information of third-party individuals, including names, addresses, phone numbers, and
 11 email addresses"); *Hadley v. Kellogg Sales Co.*, 2018 WL 7814785, at *3 (N.D. Cal. Sept. 5, 2018)
 12 ("The Court agrees that compelling reasons exist to seal sensitive personal information such as
 13 financial information, medical records and conditions, phone numbers, and addresses."); *see also,*
 14 *generally, Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1137 (9th Cir. 2003) (noting that
 15 "identifying information of third parties" such as "their names, addresses, telephone numbers, and
 16 social security numbers" could be redacted rather than documents being sealed in their entirety).

17 Not only do district courts have discretion to seal PII, but Federal Rule of Civil Procedure 5.2
 18 also prohibits the filing of certain PII without leave of court, including the first five digits of a SSN
 19 and the month and date of a DOB.

20 III. DEFENDANTS' MATERIAL SHOULD BE KEPT UNDER SEAL

21 The limited portions of the exhibits in support of the Motion for Partial Summary Judgment,
 22 which Defendants seek to seal, contain PII—specifically, DOB (full and partial, month and date), partial
 23 SSN, driver's license number (full and partial), email address, and phone number. *See* Cummings
 24 Decl. ¶¶ 2-6. Defendants therefore submit this request that the Court seal the exhibits under Local
 25 Rule 79-5(c)(1). There are no less restrictive alternatives to sealing the documents—Defendants seek
 26 only narrowly tailored redactions to limited portions of certain exhibits in support of the Motion for
 27 Partial Summary Judgment containing PII. *See* Cummings Decl. ¶ 7. This Court has previously found
 28

1 compelling reasons to seal personal-identifying information and should do so again here. *See, e.g.*,
 2 ECF 3616 (sealing “Personal identifying information, specifically the names, addresses, contact
 3 information, and financial information”).

4 **A. Failing to Seal the Documents Would Harm Third Parties**

5 **Exhibits 22-34**

6 Exhibits 22-34 are background check reports for the independent driver at issue in the *Dean*
 7 case from third-party background check provider Checkr. These background check reports contain
 8 PII, specifically DOB (full and partial, month and date), partial SSN, driver’s license number (full and
 9 partial), email address, and phone number.

10 Defendants seek to seal the above-described PII. They do not seek to seal the independent
 11 driver’s name or any other content in these exhibits. Under case law from this and other Courts, this
 12 information should be sealed because disclosure would violate the independent driver’s legitimate
 13 privacy interests and would risk identity theft or other misuse by malicious actors. *See Kamakana*,
 14 447 F.3d at 1184; *Jones*, 2023 WL 7434197, at *2; *Cross*, 2024 WL 3658045, at *1; *Prasad*, 2019
 15 WL 294760, at *2; *Fed. Deposit Ins. Corp.*, 2017 WL 1398311, at *2; *Lathrop*, 2016 WL 9185001, at
 16 *3; *Doe*, 2019 WL 636362, at *2; *Gonzales*, 2015 WL 1137554, at *1; *Rumble, Inc.*, 2025 WL
 17 1455820, at *11; *Rodriguez*, 772 F. Supp. 3d at 1111; *In re Pac. Fertility Ctr. Litig.*, 2021 WL
 18 1082843, at *2; *Snapkeys, Ltd.*, 2021 WL 1951250, at *3; *Am. Auto. Ass’n*, 2019 WL 1206748, at *2;
 19 *Hadley*, 2018 WL 7814785, at *3; *see also, generally*, *Foltz*, 331 F.3d at 1137.

20 Moreover, Rule 5.2 specifically prohibits the filing of a document “that contains an
 21 individual’s ... birth date” unless it contains “only ... the year of the individual’s birth” or is filed
 22 under seal. *See Fed. R. Civ. P. 5.2(a),(b)(5),(d)*. Many of the background check exhibits contain the
 23 month and date of the independent driver’s DOB, *requiring* them to be filed under seal.

24 **B. Any Less Restrictive Alternative to Partial Sealing is Insufficient to Prevent Harm**

25 There are no less restrictive alternatives to sealing the documents—Defendants seek only
 26 narrowly tailored redactions to limited portions of certain exhibits in support of the Motion for Partial
 27 Summary Judgment containing PII. *See Cummings Decl.* ¶ 7.

1 **IV. CONCLUSION**2 For the foregoing reasons, Defendants respectfully request that the Court order that the
3 documents listed above be maintained under seal.4
5
6 DATED: November 10, 2025

Respectfully submitted,

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